

SPEECH

OF

HON. STEPHEN C. FOSTER, OF MAINE.

Delivered in the U. S. House of Representatives, March 10, 1858.

Mr. CHAIRMAN: We often hear the inquiry, what are we of the North to do with Slavery? Why should we be eternally meddling with the affairs of other people, to the neglect of our own? It has been triumphantly asked, have white men no rights, no interests, which demand our concern? Must we be forever engaged in a Quixotic agitation in behalf of negroes?

There was a time, not a great while ago, when such questions, tauntingly thrown in the teeth of the opponents of Slavery, were deemed conclusive. They conveyed their own irrefutable answers by implication. But that day has passed and is gone. The most stolid are at length becoming sensible that, although we of the North may "let alone" Slavery in the severest manner possible, yet Slavery will not let us alone.

Our fathers, near forty years ago, entered into a solemn league and covenant with Slavery. They divided the common national heritage, and set up landmarks within which the South, by an almost unanimous vote, pledged itself to confine its "peculiar institutions." We know how this pledge has been kept. We all know that the landmarks have been thrown down in order to establish the newly-discovered principle of "popular sovereignty." We were told that there was no danger of extending Slavery. The Missouri compromise line, though sanctioned by Henry Clay, by Mr. Monroe, then the President of the United States, and by his Cabinet, including Crawford, of Georgia, and Calhoun, of South Carolina, was found to be unconstitutional, and must be repealed. The people of the Territories, it was said, in common with those of the States, were sovereign, and had the right to admit or exclude Slavery at their pleasure. But at the same time we were assured that Slavery would not be extended. That the current of immigration would infallibly give a large preponderance to the friends of Freedom, who would be "left perfectly free to form their own institutions in their own way." The strength of the human tide from the free States which has flowed over and around the State of Missouri, in spite of rufian opposition, was not over-rated by the friends

of the Kansas-Nebraska bill; but that the people have been left perfectly free to form their institutions has become so notoriously untrue, as to extort the reluctant admission of the author of the Kansas bill himself, and to awaken his indignant remonstrance.

Have the people of Maine nothing to do with Slavery in Kansas? Have white men no rights in that Territory? Does all belong to Slavery and the South? No one inquires what right have Georgia and South Carolina to meddle with Slavery in Kansas. By the general consent of the supporters of the Administration, North and South, their interference is legitimate and proper.

We of the North, who oppose Slavery extension, have, by a strange perversion of facts, been called the "negro party," or "negro worshippers." Now, Mr. Chairman, let us look into this matter. We Republicans propose to confine the negro institution to its present limits. We wish to people the new Territories with white men, and to rear up new States, with the great institution of free white labor as its basis. Our opponents, on the contrary, desire to flood Kansas and the other Territories with negro slaves. They have avowed, in the Halls of Congress, in their numerous organs of public opinion throughout the South, and in some published north of Mason and Dixon's line, that Slavery is the normal condition of the laboring class; that no society can be stable and happy without that institution; and in a recent elaborate article, the official organ of the Government, the *Washington Union*, took the ground, most emphatically, that the Constitution carries Slavery not only into the Territories, but into the free States! The President himself has asserted that the Constitution, without any legislation under it, and even against legislation, carries Slavery into all the Territories; and regards it as a great "mystery" that such men as Clay, Webster, Judge Marshall, Monroe, John Quincy Adams, &c., could have entertained a different opinion.

In view of these notorious facts, I hold that, if ever a party in this country deserved to be design-

nated as the "negro party" or "negro worshippers," it is that which adheres to the Administration of Mr. Buchanan.

Shall I offer additional proofs on this point? Let the following extracts from Mr. Buchanan's letter to Professor Silliman, and a paragraph or two from the columns of the *Washington Union*, suffice. In the Silliman letter, dated August 15, 1857, the President says:

"Slavery existed at that period, [when the Nebraska bill was passed,] and still exists in Kansas, under the Constitution of the United States. This point has at last been finally settled by the highest tribunal known to our laws. How it could ever have been seriously doubted, is a mystery. If it confederation of sovereign States acquire a new Territory at the expense of their common blood and treasure, surely one set of the partners can have no right to exclude the other from its enjoyment by prohibiting them from taking into it whatever is recognized to be property by the common Constitution. But when the people—the *bona fide* residents of such Territory—proceed to form a State Constitution, then it is their right to decide the important question for themselves, whether they will continue, modify, or abolish Slavery. To them, and to them alone, does this question belong, free from all foreign interference."

The official organ goes much further than the President; but, from the well-known fact that no important article goes into that paper without the advice and consent of the President and Cabinet, the article from which I quote may be regarded as expressing the views of the Administration. It appeared in the *Union* on the 17th of November last. I have only time to read a brief extract, as follows:

"The Constitution declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' Every citizen of one State, coming into another State, has, therefore, a right to the protection of his person, and that property which is recognised as such by the Constitution of the United States, any law of a State to the contrary notwithstanding. So far from any State having a right to deprive him of this property, it is its bounden duty to protect him in its possession.

"If these views are correct—and we believe it would be difficult to invalidate them—it follows that all State laws, whether organic or otherwise, which prohibit a citizen of one State from settling in another, and bringing his slave property with him, and most especially declaring it forfeited, are direct violations of the original intention of a Government, which, as before stated, is the protection of person and property, and of the Constitution of the United States, which recognises property in slaves, and declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States,' among the most essential of which is the protection of person and property."

This extract is from a long article in the *Union*. It was evidently prepared with care; and the well-known fact that the editor was selected by the President, and is dependent upon him; that the paper habitually reflects the views and policy of the Administration, renders it next to certain that the article in question had the official sanction. Here, then, we have the deliberate avowal of the doctrine that the Federal Constitution carries slavery into all the free States.

Sir, the historical fact is undisputed, I believe, that the President was reared in the faith of the old Federal party; but I defy the friends of that high functionary to produce, from the writings of the most ultra Federalist of the old school, from Hamilton down, a maxim so abhorrent to the friends of Freedom and State Rights, as is this semi-official *pronunciamiento*. It leaves not a

shadow of sovereignty to the States; it sweeps away every particle of their reserved rights, and transforms this Federal Union into a consolidated despotism.

This, then, is modern Democracy! Jefferson founded the old Democratic party on the basis universal Freedom and State Rights. Mr. Buchanan, claiming to be his successor as the head of the same party, declares its basis to be Slave and Consolidation. History cannot furnish stronger contrast between the principles of the parties than that which I have shown to exist between those represented respectively by Thomas Jefferson and James Buchanan.

In this connection I propose to call the attention of the Committee to one of the most remarkable instances of political foresight which have ever come under my observation. In fact, I regard it as a prophecy literally fulfilled, after the lapse of more than the third of a century. The long-continued ill success of the old Federal party, the brilliant termination of the war with England, and the triumphant election of Mr. Monroe, caused a general stampede of the mercenary and spoil-seeking portion of it, who like rats, deserted the sinking ship. They were over in droves into the ranks of the all-powerful Democratic or Republican party of that day. Mr. Jefferson expressed his apprehensions of the consequences of this accession from the ranks the enemy in the following remarkable passage, which I find in a letter to the Hon. William Barry, of Kentucky, dated Monticello, July 1822:

"Sir: Your favor of the 15th of June is received, and I am very thankful for the kindness of its expressions concerning myself. But it ascribes to me merits which I do not claim. I was one only of a band devoted to the cause of independence, all of whom exerted equally their endeavors for its success, and have a common right in the merits of its acquisition. So, also, is the civil revolution of 1801. Very many and very meritorious were the worthy patriots who assisted in bringing back our Government to its Republican track. To preserve it in it will require unremitting vigilance. Whether the surd of our opponents, their reception into our camp, the assumption of our name, and apparent accession to our objects, may strengthen or weaken the genuine principles of Republicanism may be a good or an evil, is yet to be seen. I consider the party division of Whig and Tory the most wholesome which can exist in any Government, and well worthy of being nourished, to keep out those more dangerous characters. We already see the power of the Supreme Court installed for life, responsible to authority, (for impeachment is not even a scarecrow advancing with a voiceless and steady pace to the great object of consolidation. The foundations are already laid, by their decisions, for the annihilation of all national State rights, and the removal of every counterpoise, to the engulphing power of which themselves are to make a sovereign part."—*Jefferson Works, published by Congress, Vol. 7.*

The Supreme Court being the lever used for the overthrow of the constitutional rights of the States, I will read a few more brief extracts from Mr. Jefferson's correspondence touching this subject. In a letter to Thomas Ritchie, dated Monticello, December 25, 1820, he says:

"The judiciary of the United States is the subtle crew of sappers and miners, constantly working underground to undermine the foundations of our confederated republic. They are constraining our Constitution from a co-ordinate and general and special Government to a general supreme one alone."

In a letter to Archibald Thweat, dated Monticello, January 19, 1821, he says:

"The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights." The judiciary branch is the instrument which working like gravity, without intermission, is to press us at last into one consolidated mass."

And in a letter to Judge Johnson, dated Monticello, March 4, 1823, he says:

"I cannot lay down my pen without recurring to one of the subjects of my former letter, for, in truth, there is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unobtrusive, instrumentality of the Supreme Court. This is the form in which Federalism now arrays itself, and consolidation is the present principle of distinction between Republicans and pseudo Republicans, but real Federalists."

Thirty-five years after the date of the letter to Mr. Barry, we see one of the "opponents," whose "apparent accession" to the ranks of Democracy the sage of Monticello dreaded, installed in the Presidential office; and his first official act, his inaugural speech, was a declaration of the paramount authority of the Supreme Court, and of its right to control the co-ordinate branches of the Government!

It is the characteristic of prophecy, Mr. Chairman, that while it foreshadows events, and the characters of the great actors who are to figure in those events, there is a studied suppression of names and of specific dates. It is left to posterity to fill up the picture, of which the seer gives us a dim, and sometimes uncertain, outline. But in the case before us there can be no such uncertainty. The wayfaring man, though a fool, cannot fail to read, in the events of the last year, a literal and most exact fulfilment of the Monticello prophet's gloomy vaticinations. The Democratic party has been utterly debauched and estranged from the creed of its founder. Slavery is its corner-stone and key-stone. Its only essential policy and principle are Slavery and Slavery extension; and woe betide the man, be he great or small, who falters on this essential point. A Democrat may differ with his party upon anything else, or upon all else, provided he is sound on the Slavery question. I, myself, was read out of the party some nine or ten years ago, because I protested against, and refused to support, the author of the famous Nicholson letter for the Presidency.

I have never regretted the course I then felt called upon to pursue; because I regard that letter as the very source of the whole brood of heresies and humbugs which have since appeared and have proved the ruin of the Democratic party. But mine was a comparatively grave offence. I insisted on the Wilmot Proviso, just as Cass and Dickinson had done the year before. Now that we see daily those who have been Samsons in the field and Solomons in the council falling around us, not for sustaining the Wilmot Proviso, not for refusing to vote for the repeal of the Missouri Compromise, but simply because they are not ready to sacrifice every dictate of honor and conscience which stands in the way of the extension of Slavery—in the midst of such scenes, I have every reason to be thankful that expulsion from the party was the extent of my punishment at that day.

Would you have illustrations on these points? Then look around you. Here you have the

President himself, who differs with his party, or with the avowed principles of the party, upon the important question of a protective tariff. He has always been a protectionist, and voted for the tariff of 1842. The people, or rather the politicians, of South Carolina were at one time ready to dissolve the Union, rather than submit to his protective policy, of which the President and his Pennsylvania friends have always been the warm and interested advocates. But he is now "sound on the goose," and that great merit atones for a multitude of sins.

Take the national bank question, and the same indifference is apparent. In General Jackson's time it was the touchstone. No friend of that famous institution could claim fellowship with the Democracy in his day. But how is it now? Have we not seen the modern Democrats welcome scores of old-line national bank Whigs to their ranks without asking questions? Have we not seen these new recruits, unwashed and unsanctified, taken up and petted and patronized, to the neglect of the old-line Democrats?

Take the internal-improvement question. It has from the earliest times been the settled policy of the Democratic party to oppose internal improvement by the Federal Government. But what do we see to-day? The Democratic President recommends the construction of a railroad to the Pacific; a distinguished Democratic Senator from Mississippi is the advocate of the same policy; and a Democratic Senator from California has introduced a bill into the Senate for the construction of three such roads to the Pacific!

Democrats profess to be in favor of a hard-money currency, and denounce bank rags; yet every State in the Union where they have the control, is overrun with irredeemable bank rags and shinplasters. I believe there is not an exception to this remark.

We have heard much lately of reading men out of the Democratic party. But for what? For unsoundness on the bank or the internal-improvement question? For recreancy to free trade? Not at all. So far from this being the case, we have seen within a few days past an old Federal protective tariff Democratic President, who voted for the tariff of 1842, read out of the party the author of the free-trade tariff of 1846! And for what? Not for my high offence of sustaining the Wilmot Proviso; not even for sustaining the Missouri Compromise, or refusing to sustain the Nebraska bill. Upon all these points he was sound; but he could not, as a man of honor, consent to be the instrument of forcing a Constitution upon the people of Kansas by fraud and violence. We have seen the pensioned organs and special friends of this same President attempt to read a distinguished Senator—a life-long Democrat—out of the party, simply because he insists upon a fair election in Kansas upon the adoption of a State Constitution, and because he has thought proper to denounce the infamous juggle of the Lecompton Constitution.

Sir, these plain facts are enough to open the eyes of the Northern men to the folly of attempting to please and conciliate the South by conces-

sions and compromises on the Slavery question. If services such as the Senator from Illinois and the late Governor of Kansas have performed, cannot shield them from the ungrateful reproaches and denunciations of the friends of the peculiar institution, it is useless for ordinary politicians to expect any mercy, if they should ever venture to stand erect in the presence of a slaveholder. They may as well make up their minds to grope and grovel on their bellies the balance of their days.

I think I have said enough to make it clear that Slavery is the all-essential element of what now passes for Democracy. Talk of fanaticism! Was there ever grosser fanaticism than that which is exhibited by the party which worships this black idol of Slavery? Was there ever a *monomania* more fatal than that which induces Northern Democrats to insist upon reducing our own free immigrants to the Territories to the level of the negro slaves of the South? We of the North oppose Slavery on every ground. First and foremost, because it is wrong. It violates the inalienable rights of man, turns him into a brute and a chattel, and deprives him of education and opportunity to improve the talents, mental and moral, which his Maker has given him. It goes further. It prohibits and punishes every effort at mental improvement; and we should be recreant to humanity, to freedom, and to the highest interests of the common weal, if we did not resist its extension into new States or Territories. If we are not permitted to cure the evil, we are determined, in any event, that it shall spread no further.

We are also opposed to the reduction of our own free laboring classes to the level of slaves, by compelling them to work by their side. We claim the common territories as the common heritage of the people—the free people. Certainly, if slaves cannot own themselves, they can have no right to go into the Territories. The Territories must either be free or slave. If the latter, then free laborers have no further interest in them; for it is a well-established fact, that wherever Slavery exists, the slaveholders get possession of all the lands that are good for anything, and crowd out the poor. Slavery and Freedom are irreconcilable as oil and water. They cannot be tenants-in-common of the same Territory; and, since one must give way, which shall it be, the black slave or the white freeman? I insist that the slave must be excluded, but not the South. The great mass of the Southern people are not slaveholders, and they, like we of the North, are interested in keeping out the slaves. The slaveholders themselves may go and enjoy the Territories, but they must leave their slaves at home. But it is fiercely asked, shall we not carry our property? I answer, no! There is no hardship in excluding a particular species of property from a State or Territory; it is a common and no very heavy grievance. In the State from which I came, the banks are permitted to issue one-dollar bills; and we find it impossible to avoid taking them. They are my money, my property; and yet, when I arrive in Washington with my pocket full of them, I find

that I dare not pass them, under a penalty of ten times their value. Your Congressional legislation has rendered them useless to me. In like manner, Congress prohibits the institutions of rum, ghi, and whisky, in the Indian Territories; and why may it not prohibit the still more pernicious and wicked institution of Negro Slavery?

We of the North also oppose Slavery because we have seen, in the past history of the States which tolerate it, that it is fatal to their prosperity. This view of the subject has been so often and so thoroughly discussed, North and South, that I must refrain from entering upon it in detail at this time. I will, however, briefly call attention to a few striking facts, which irresistibly show the superiority of free over slave society in the race of progress. I invite the attention of Southern gentlemen to them.

The area of what are now free States, though they were not all free at that time, was, in 1790, 166,358 square miles. The area of the slave States, at that period, was 295,965 square miles, or almost double that of the Northern section. In 1790, the free States contained a total population of 1,968,000; that of the slave States, at the same time, was 1,961,000. The difference between the free and slave States was, therefore, only 7,000 at the period of the inauguration of the Government—a difference so trifling as to be unworthy of notice; so that, for practical purposes, the two sections were equal in numbers. But, after the lapse of sixty years, how stands the case? In 1850, when the last general census was taken, the total population of the free States was 13,526,000; that of the slave States was 9,651,000—showing a difference in favor of the former of 3,875,000—a number exceeding half of the white population of the South.

Now, Mr. Chairman, I would like to hear what gentlemen have to say in explanation of this striking difference in the progress of the two sections. It cannot be alleged that the South has been hedged within its original limits, while the North has expanded its area. So far from that being the case, the fact is well known that the expansion of the area of Slavery had been, up to 1850, greater than that of Freedom—much greater.

You say that the difference has resulted from immigration to the Northern section of the Union. Well, admit it; and then tell me why has immigration sought the cold and inhospitable North, and avoided the genial South? Such has not been the ordinary course of events. History teaches us the contrary lesson, that the current of emigration naturally or habitually flows from north to south. The southern nations of Europe have been over-run time and again by swarms of northern barbarians; and the Chinese have been subject to similar inundations. The present dynasty is descended from northern conquerors, who overran the country some four or five centuries ago. It is true, that in modern times civilization has grown too strong to be overthrown by wandering barbarians, and we no longer have occasion to dread the inroads of an Attila or Genghis Khan. The *swarming* of nations is now conducted in a legitimate and peaceful

manner, by the aid of commercial ships and emigrant aid companies. But still, the tendency of the human tide, where no serious obstacle interposes, is from the north to the south, or southwest. I can conceive of but one reason for the exception to which I have adverted in the case of European emigration to this continent, namely, that Slavery repels the merchant, the manufacturer, the mechanic, and even the common laborer, unless he be a slave. It repels by its odious presence, by its despotic intolerance, by the insult it casts upon labor, and by the still more substantial consideration that it offers no employment.

Slaveholders rarely ever employ free labor if they can avoid it. They say, and say truly, that it causes the slave to feel his chains, and to grow restive, to place him by the side of the free laborer who receives wages for his toil. In addition to this, the free laborer, who is thus reduced to the level of a slave, becomes sensible of his degradation, and becomes mean. He prompts the slave to steal, and perhaps to run away. The slaveholder is disgusted with such employees, and resolves never to have one on his plantation again if he can avoid it. He, at the same time, rashly jumps to the conclusion that the employment of free labor, in the free States, must work as badly as he has found it to do where it is degraded by competition with Slavery; and he hence becomes a clamorous champion of the barbarous and unjust system which has reduced his State and section, in spite of their natural advantages, to a condition of inferiority.

It is true that the North owes its superior numerical strength to immigration; but immigrants flock to the North, and avoid the South, because the Northern institution of Freedom invites and employs them. Can any gentleman present doubt that it is Slavery, and not climate, which repels European and Northern emigrants? If there be such here, I invite them to look at California. That great State embraces the latitude of our Atlantic States, from Massachusetts to Florida; while its most populous portion is in the latitude of Virginia and North Carolina.

But this is not all. The fact is well known, not only to men of science, but common experience has brought it to the notice of all, that countries on the Pacific coast are eight or ten degrees milder in climate than those on the Atlantic; so that, in point of fact, San Francisco is as free from extreme cold as New Orleans or Savannah; and the temperature of that section of the State which, as I have said, is in the latitude of Virginia, corresponds to that of Florida or southern Texas. These facts, in regard to the climate of California, will not be disputed. But how stands the case as to the population? It is well known that the great bulk of its inhabitants are natives of the free States or foreign countries. The South sent out a few hundred aspiring politicians, and a few thousand gold hunters; but at least nine-tenths of the population went out from the sources above indicated.

Here, then, we see the natural proneness of northern nations to emigrate southwardly; and more striking confirmation of the views pre-

sented a few weeks ago by the gentleman from Massachusetts, as to the practicability of colonizing Nicaragua from the North.

The time which I have already consumed precludes me from going into a history of the Kansas question; but I propose briefly to draw the attention of the Committee to a few prominent facts. The people of Kansas have been severely censured by the friends of the Administration, and by others who profess great moderation on this question of Slavery extension, because they have refused to vote under the laws passed by a usurping Legislature. Even the ultra champions of Slavery have raised their hands in holy horror at the factions spirit exhibited by the Free State men in thus refusing to exercise the elective franchise. The exhibition of solicitude by such men in behalf of the Free State cause was enough, of itself, to excite suspicion; and the event has shown that their only object was to get the Free State men committed to the legality of the system of fraud and usurpation which has been imposed upon them by ruffian intervention from a neighboring State, under the patronage and protection of the Federal Government. The fact is notorious, that the most unscrupulous ruffians and murderers of Free State men have been appointed to office, not only by the late but by the present Administration.

The Free State men refused to give the slightest recognition to the usurpation by voting under it until last October, when they determined to get possession of the Territorial Legislature. They had grown strong enough to take care of themselves: to repel Border Ruffian interference; and to triumph over all opposition. The result showed that they constitute an overwhelming majority of the population of Kansas. They elected three-fourths of both branches of the Legislature; and there is every reason to believe, that if a perfectly fair vote were taken, they would elect a unanimous Legislature. But the frauds which the unscrupulous desperadoes attempted to perpetrate in Johnson and McGee counties are unmistakable indications of the character of the men with whom the friends of Freedom have had to contend.

We are all familiar with those frauds. We have the authority of Governor Walker, a Mississippian, selected for the station on account of his devotion to the South, for the facts in the case. The county of Johnson was never heard of, until we heard that one of its several precincts cast a vote equal to that of any one of a majority of the counties in the Southern States. I quote the material portions of Governor Walker's official proclamation in relation to it. He says:

"This question arises upon the extraordinary returns made from the precinct of Oxford, in the county of Johnson. What purport to be the returns of the election held at that precinct on the 5th and 6th instant, have been received by the Secretary, containing sixteen hundred and twenty-eight names of pretended voters, or nearly one-half the number given in the whole Representative district. The disposition to be made of this supposed vote is rendered all-important, by the fact that the political character of the Legislative Assembly will be controlled by the addition of three Councilmen and eight Representatives to the strength of one party or the other, according to the adoption or rejection of the returns in question.

"In point of fact, it is well known that even the whole

county of Johnson, comprising, as it does, part of an Indian reserve, which, upon examination of the law, we find is not yet subject to a settlement or pre-emption, can give no such vote as that which is represented to have been polled at this inconsiderable precinct of Oxford. But while this inofficial knowledge, well established and universal as it may be, could not become the ground of decision and action upon the election returns in themselves regular and authentic, the legitimate effect of an apparent omniscience, such as that in question, would necessarily be to induce a close examination of the paper presented, and to require for its acceptance a perfect complicity with all the essential provisions of the law. Such an examination of this document, conscientiously and impartially made, has brought us to the conclusion that the returns from Oxford precinct, in Johnson county, must be wholly rejected, for the following reasons:

"1st. It does not appear on the face of the document presented to us, or in any other manner, that the judges of election took the oath imperatively required by the statute, to secure the impartial discharge of their duties according to law."

"2d. It does not appear that the paper presented to us was one of the two original poll-books kept at the election, as required by law; but, on the contrary, it does appear, from unmistakable internal evidence, that the paper is either a copy of some other document, or has been made up for the occasion, and is not the genuine record of the votes taken at the election. The law required one of the poll-books to be returned to the Secretary, the other to be deposited with the clerk of the board of commissioners of the proper county."

"3d. As the vote of each elector was to be recorded for each one of twenty-two candidates, and in more than a hundred cases for twenty-five, and that by a *prima facie* vote, it was a physical impossibility that the number of votes pretended to have been taken on the second day, being more than fifteen hundred, with the name of the voter written, and each of twenty-two candidates properly designated, could have been taken and recorded within the time prescribed by law."

"4th. It is an extraordinary fact, tending to throw distrust upon the whole proceeding, that, of the sixteen hundred and twenty-eight votes, only one is given to the Delegate elect to Congress; and only one hundred and twenty-four are recorded as having been cast for the local candidates of the township."

"Influenced by these considerations, and impressed with the great responsibility resting upon us in regard to the fairness of the election, and its freedom from all fraud susceptible of detection and prevention, within the scope of our duties, we deem it essential to truth and justice that we should ascertain every fact calculated to refute or confirm the conclusions derived from the face of the papers. Accordingly, we went to the precinct of Oxford, (which is a village with six houses, including stores, and without a tavern,) and ascertained from the citizens of that vicinity, and especially those of the handsome adjacent village of New Santa Fe, in Missouri, (separated only by a street, and containing about twenty houses,) that altogether not more than one-tenth the number of persons represented to have voted were present on the two days of the election; much the smaller number, not exceeding thirty or forty, being present on the last day, when more than fifteen hundred votes were represented as having been given. The people of Oxford, as well as those of the neighboring village of Santa Fe, were astounded at the magnitude of the returns; and all persons, of all parties, in both places, treated the whole affair with derision or indignation, not having heard the alleged result until several days after it had occurred."

"In the course of our journey to and from Oxford, we passed over much the larger part of the county of Johnson, and we became satisfied that there is no population in the whole county from which more than one-third the vote of that single precinct could have been given. We learn that some very few persons, having cabins on the reserve in Johnson county, and claiming a residence therein, though generally absent, had voted at some of the precincts in that county; but we are convinced that a very inconsiderable number, not reaching, we believe, one hundred, of Missourians, or any other persons having no admitted right to vote, did claim or attempt to exercise that right, anywhere within that county."

I must remark here, that since Governor Walker's proclamation was issued, it has been ascertained, by an examination of the names returned on the poll-books, that they were literally transcribed from an old Cincinnati Directory.

It is even said that the name of the present Republican Governor of Ohio, who at the time the directory was compiled resided in Cincinnati, is put down on the list of those who voted for the Pro-Slavery ticket!

The Governor threw out these fraudulent returns, because they were not only fraudulent, but illegal, and gave the certificates of election to the Free State candidates. He pursued the same course in reference to the enormous returns of McGee county; which, with a population of from one to two hundred, returned a thousand or twelve hundred majority for the Pro-Slavery ticket. Governor Walker took the stump in behalf of the Pro-Slavery ticket, I repeat, but he was not so depraved as to lend the sanction of his name to these infamous frauds. And what has been the consequence? We all know it. He has been hunted and hounded by the propagandists of Slavery, and frowned upon by the Administration, until he has been constrained to resign. A Southern man, a slaveholder, going to Kansas as the special representative of Slavery, he has now been compelled to vacate his post, because his sense of honor and duty would not permit him to countenance frauds as barefaced and infamous as ever felon swung for at Tyburn.

The virtual sanction which the Administration has given to these frauds shows a well-settled purpose of making Kansas a slave State at all hazards. If open force will not answer the purpose, then trickery must be resorted to.

But it failed in securing a majority of the Territorial Legislature, and the disappointed conspirators were determined to profit by the lesson of experience. They resolved to secure a Pro-Slavery Constitution by the same system of manufacturing votes, which, but for the honorable conduct of Governor Walker, would have given them the control of the Legislature. To accomplish this end, they resorted to two cunning expedients. Whether they were concocted in Washington, as has been surmised, or are indigenous to the soil of Leocompton, I will not undertake to say; but it would be difficult to conceive of devices better suited to the emergency.

The first of these tricks is the show of compliance with the doctrine of popular sovereignty, by pretending to submit the Slavery clause to the popular vote.

It is well known that Judge DOUGLAS, the author of the Kansas-Nebraska bill, insisted, while advocating its passage, that Slavery, like all other matters, should be under the control of the people of the Territory. This was all he claimed in regard to it. He "rang the changes" upon this point in every imaginable way, insisting, while the people were allowed to legislate and make Constitutions affecting all the other relations of life—of parent and child, of guardian and ward, of landlord and tenant, of master and servant or apprentice—that they should have the same right to legislate in regard to negroes. But the Leocompton Convention, in flagrant disregard of this loudly-proclaimed doctrine of popular sovereignty, have submitted only one clause of their Constitution to the popular ratification; and as I shall presently show, even that is only seem-

ngly submitted. Their schedule provided that the people should be called upon to vote, on the 21st of December last, for the Constitution with Slavery, or for the Constitution without Slavery. Those who chose to avail themselves of the privilege of voting, were therefore compelled to vote for the Constitution, or not vote at all. The Constitution contains several clauses which are highly objectionable to a large number of the people of Kansas—to a majority, indeed; but, whether it does or not, the Convention and Congress have no right to force it upon the people without their consent. If it were the best Constitution that the wit of man could devise, it would be an outrage to impose it upon an unwilling people.

But, in point of fact, the existence or non-existence of Slavery was not submitted at all, for it is provided, in another separate clause, that under no circumstances shall the relation of master and slave be disturbed, whatever be the result of the election upon the Slavery clause. The perpetual existence of Slavery is secured; and the sham of voting only amounts to this: that the Constitution without Slavery is to be understood as prohibiting the introduction of more slaves. I will proceed to show, from Southern authorities, that this is the case, and that some go so far as to declare that the Constitution without Slavery is a better Pro-Slavery instrument than the Constitution with Slavery. A correspondent of the *Jackson Mississippian*, writing from Lecompton on the 27th November last, says:

"Thus you see that whilst, by submitting the question in this form, they are bound to have a ratification of the one or the other, and that whilst it seems to be an election between a Free State and Pro Slavery Constitution, it is in fact but a question of the future introduction of Slavery that is in controversy; and yet it furnishes our friends in Congress a basis on which to rest their vindication of the admission of Kansas as a State under it into the Union; while they would not have it, sent directly from the Convention.

"It is the very best proposition for making Kansas a slave State that was submitted for the consideration of the Convention. In addition to what I have stated, it embraces a provision continuing in force all existing laws of the Territory until repealed by the Legislature of the State to be elected under the provisions of this Constitution."

The *Charleston Mercury* entertains similar opinions, as will be seen by the following:

"We are equally satisfied with the action of the Convention. We differ, too, with the President, as to what is submitted to the vote of the people. We do not think that the question of Slavery or no Slavery is submitted to the vote of the people. Whether the clause in the Constitution is voted out or voted in, Slavery exists and has a guarantee in the Constitution that it shall not be interfered with; whilst if the Slavery party in Kansas can keep or get the majority of the Legislature, they may open wide the door for the immigration of slaves. But this, also, is a small matter of difference with the President."

The second expedient to which I have adverted, by which the Lecompton conspirators hoped to triumph over the people, is the submission of the returns of election, not to the Governor of the Territory, as heretofore, but to the President of the Convention, Calhoun. It was reasonably concluded that he would readily sanction any return of votes that might be brought up from Johnson and McGee counties; and accordingly we learn that, on the 21st of December, Johnson actually gave nearly two thousand majority to the

Pro-Slavery clause! No doubt that McGee has done equally as well.

It is amazing to witness the coolness with which the friends of the Administration insist that Congress is bound to admit Kansas into the Union under this infamously fraudulent Constitution, which was conceived in sin and hatched in iniquity. The Convention itself, even if the election of the delegates had been fair, had no authority to force a Constitution upon the people, for the reason that the Territorial Legislature had no authority to call it into existence. At the best, it is merely a voluntary affair; and although it might be admitted that its assemblage was legal, it had no legal authority. Any popular Convention, which abstains from breaking the peace, is legal. The late Free State Conventions at Lawrence were legal; but, like the Lecompton Convention, they had no authority to impose a Constitution upon the people. Either might propose a Constitution, but neither possessed the right to establish one. I proceed to illustrate this point on the authority of General Jackson's Administration, in the case of Arkansas, backed by that of James Buchanan himself in the case of Michigan. The cases are parallel, and the testimonies of these authorities are explicit and to the point. General Jackson referred the Arkansas case to the Secretary of State, and the latter asked the advice of the Attorney General, Mr. Butler. He gave it as follows, which determined the policy of the President in the premises:

"Consequently, it is not in the power of the General Assembly of Arkansas to pass any law for the purpose of electing members to form a Constitution and State Government, or to do any other act, directly or indirectly, to create such new Government. Every such law, even though it were approved by the Government of the Territory, would be null and void. If passed by them, notwithstanding his veto, by a vote of two-thirds of each branch, it would still be equally void.

"If I am right in the foregoing opinion, it will then follow that the course of the Governor, in declining to call together the Territorial Legislature for the purpose in question, was such as his legal duties required; and that the views he has expressed in his public address, and also in his official communication to yourself, so far as they indicate an intention not to sanction or concur in any legislative or other proceedings towards the formation of a State Government until Congress shall have authorized it, are also correct.

"No law has yet been passed by Congress, which either expressly or impliedly gives to the people of Arkansas the authority to form a State Government.

"For the reasons above stated, I am, therefore, of opinion that the inhabitants of that Territory have not at present, and that they cannot acquire otherwise than by an act of Congress, the right to form such a Government."

The testimony of Mr. Buchanan, in the case of Michigan, is equally explicit. He advocates the policy of recognising what the people had done voluntarily, without an enabling act; but he distinctly denied the authority of the Territorial Legislature to call a Convention. He said:

"We ought not to apply the rigid rules of abstract political science too rigorously in such cases. It has been our practice heretofore to treat our infant Territories with parental care, to nurse them with kindness, and when they had attained the age of manhood, to admit them into the family without requiring from them a rigid adherence to forms. The great questions to be decided are: Do they contain a sufficient population? Have they adopted a republican Constitution? And are they wanting to enter the Union upon the terms which we propose? If so, all

the preliminary proceedings have been considered but mere forms, which we have waived in repeated instances. They are but the scaffolding of the building, which is of no further use after the edifice is complete. We have pursued this course in regard to Tennessee, to Arkansas, and even to Michigan. *No Senator will pretend that their Territorial Legislatures had any right whatever to pass laws enabling the people to elect delegates to a Convention for the purpose of forming a State Constitution. It was an act of usurpation on their part.*"

This, one would suppose, should be conclusive with those who profess a profound reverence for whatever emanates from the White House; but I am sorry to say that the President's bosom friend in the other wing of the Capitol has already impaired the value of the authority by pleading the statute of limitations in his behalf.

The more recent facts in the history of the Kansas question are too fresh in the recollection of the Committee to need repetition by me. We all know that Calhoun, the President of the Convention, invited Acting Governor Denver, together with the presiding officers of the two branches of the Territorial Legislature, to join him in counting the votes. The latter have made an official and authoritative statement of the result, which we have all read. According to that statement, the Free State party carried everything on the 4th of January, electing State officers, a majority of the Legislature, and the Representative to Congress. They at the same time and places, under the authority of the existing Territorial Legislature, held a separate election, in order to test the sense of the people in regard to the Constitution, and the acting Governor has certified that more than ten thousand votes were cast against its adoption. The Pro-Slavery party, conscious of its weakness in a fair election, with honest men to count and receive the votes, refrained entirely from voting.

But Calhoun was not to be thwarted. He alleged some informality in making the returns from one of the counties or precincts, and at the same time produced returns from a place called Delaware Crossing, which entirely changed the result, and gave a majority to the Pro-Slavery party. These last returns have since been proven to be entirely fraudulent. Out of forty-nine votes actually cast, the unscrupulous tools of the party in power manufactured three hundred and forty-nine; and then, lest the fraud should be detected and exposed, *hid the returns in a woodpile!*

Such, Mr. Chairman, is a brief outline of the history of the Lecompton Constitution. I have no room for the details; but I will venture to assert that a free people were never defrauded of their rights by expedients more base and shameless. History is filled with records of crime and mis-government; but the atrocities of tyrants, invested with the supreme power, are what the world has been accustomed to look for. When the people are not recognised as the rightful source of power, it would be unreasonable to expect a uniform adherence to the rules of equity; but, in the history of well-established constitu-

tional Governments, such as England for the last hundred and sixty years, or the United States up to the period of the last Administration, no parallel can be found to the criminal misgovernment of Kansas.

The President of the United States, in his late message, has assumed the responsibility for this fraud; he has shouldered this load of infamy, and it will stick to him to his grave. He has taken it upon himself willingly, knowingly, and guiltily, against the earnest remonstrances of those who were mainly instrumental in his election, and he cannot now, if he would, lay it down. It has broken down his Administration in the first year of its existence; it has destroyed his good name, and blasted his last faint hope of a continuance in power.

Mr. Chairman, we often hear Fourth of July orators use the steam-engine and the railroad cars as the types and symbols of American progress; and it must be admitted that the symbols hold as good for our progress in political corruption and decay, as in material or intellectual advancement. Greece maintained her liberties some five or six hundred years; Rome some seven hundred, before demagogues, turned tyrants, learned to govern the Empire with despotic sway, under the forms of republicanism. Our modern demagogues have excelled the ancient as much as the appliances of modern travel surpass those of the Augustan age. In the first century of the American Republic, in spite of our boasted general education, our freedom of the press and of speech, our holy Christian religion and high civilization, they have learned to play the despot—I might almost say the Nero—under the forms of constitutional Government. Had we a large standing army, such as was maintained by Rome in the days of her corruption and decline, there can be no doubt that, like her, we should be subjected to the ignominious yoke of a despot chosen by our Prætorian bands, and in the same manner, by public sale at auction. But, thank God, we have no such army of mercenaries; and it is to be hoped we never shall have. There can be no doubt that we have demagogues bold enough, cunning enough, and base enough, to pervert the whole machinery of our republican system, and to establish the same despotic rule in the States which they have kept up in Kansas for the last three or four years.

But, sir, I must draw my remarks to a close. I have already occupied the time of the Committee longer than I desired; but I have found it impossible to compress into a shorter space the many things which I felt it incumbent on me to say upon this fruitful topic. I regard the struggle for liberty in Kansas as a momentous one; but the final result I cannot permit myself to doubt. Truth and right, though crushed to the earth a thousand times, will rise again; and they must and will prevail.